

03CO #3

PATENT
Customer No. 22,852
Attorney Docket No. 05725.0412-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Roland DE LA METTRIE et al.) Group Art Unit: Unknown
)
Application No.: 09/877,031) Examiner: Unknown
)
Filed: June 11, 2001)
)
For: OXIDIZING COMPOSITION AND)
USES FOR TREATING KERATIN)
FIBRES)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION
PAPERS AND SECOND PRELIMINARY AMENDMENT**

In response to the Notice to File Corrected Application Papers dated July 10, 2001, Applicants respectfully request that the following amendments be made to the application.

IN THE TITLE

On page 1 of the as-filed application, please replace lines 1-2 reading:

OXIDIZING COMPOSITION AND USES FOR DYEING, FOR PERMANENTLY
RESHAPING OR FOR BLEACHING KERATIN FIBRES

with the following:

OXIDIZING COMPOSITION AND USES FOR TREATING KERATIN FIBRES

IN THE ABSTRACT

On page 34 of the as-filed application, please delete lines 1-2 reading:

09877031-1000
FOOTNOTES

OXIDIZING COMPOSITION AND USES FOR DYEING, FOR PERMANENTLY
SHAPING OR FOR BLEACHING KERATIN FIBRES

and replace with:

ABSTRACT OF THE DISCLOSURE

REMARKS

Applicants have amended the title appearing in the application to conform to the title appearing in their declaration. In addition, Applicants have amended the final page of the application to clarify that this page contains the Abstract. Applicants believe that the format of the above amendments conforms to the requirements of 37 C.F.R. § 1.121.

In the Notice to File Corrected Application Papers mailed on July 10, 2001, the Office Alleged that an abstract had not been provided for this application. Applicants respectfully disagree, and point to page 34 of the as-filed application. Without acquiescing to the formal objection, Applicants have amended the title of the abstract to reflect that the text on page 34 is indeed the abstract. Applicants believe that the formal requirements for the abstract have been satisfied. See 37 C.F.R. § 1.72.

If any fee is necessary for the submission of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Jeremy M. Stipkala
Reg. No. 44,359

Dated: September 10, 2001

REMARKS

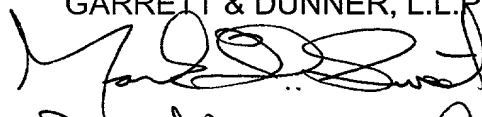
In the Notice of Incomplete Reply dated October 12, 2001, the Office alleges that the present application does not comply with the regulations. Specifically, the Notice asserts that "[an] abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b)." See Notice of Incomplete Reply at page 1. Applicants respectfully traverse the implication that the abstract was not originally presented. See specification at page 34. Therefore, Applicants assert that the application complied with all regulations, and so patent term extensions should not be affected by the alleged deficiencies of the abstract.

Solely to advance this application to examination, Applicants petition for an extension and provide their abstract on a separate sheet, again. The title has been changed to "Abstract." Please immediately contact the undersigned at (202) 408-4331 if any further barriers to examination appear.

If any additional fee is necessary for the submission of this Amendment, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: October 31, 2001

By: Reg. No. 41,469 for
Jeremy M. Stipkala
Reg. No. 44,359